



Docket No.: 64965-054

#12/125010  
A. Williams  
5/2/03  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Shashank MERCHANT, et al.

Serial No.: 09/315,973

Group Art Unit: 2662

Filed: May 21, 1999

Examiner: Anh Vu H Ly

For: NETWORK SWITCH WITH MULTIPLE-PORT SNIFFING

**RECEIVED**

**MAY 02 2003**

Technology Center 2600

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
Washington, DC 20231

Sir:

This Request for Reconsideration is filed with a Request for Continued Prosecution Application.

Claims 1-19 are presented for examination. Claims 7-13 and 19 are found allowable subject to being rewritten in independent form.

Claims 1-6 and 14-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kerstein in view of Murthy.

It is noted that the Kerstein patent assigned to the assignee of the present application qualifies only as a reference under 35 U.S.C. 102(e). Therefore, in accordance with 35 U.S.C. 103(c), Kerstein is not available as prior art under 35 U.S.C. 103.

Accordingly, withdrawal of the rejection under 35 U.S.C. 103 is respectfully requested.

09/315,973

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Alexander V. Yampolsky  
Registration No. 36,324

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 AVY:MWE  
Facsimile: (202) 756-8087  
**Date: April 28, 2003**